

## **REMARKS**

The Specification has been amended. Claims 1, 3 - 4, 6, and 24 - 25 have been amended. No new matter has been introduced with these amendments, all of which are supported in the application as originally filed. Claims 1, 3 - 4, 6 - 7, and 24 - 25 remain in the application.

Applicants are not conceding that the subject matter encompassed by the claims as presented prior to this Amendment is not patentable over the art cited by the Examiner, as claim amendments in the present application are directed toward facilitating expeditious prosecution of the application and allowance of the currently-presented claims at an early date. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by the claims as presented prior to this Amendment and additional claims, in one or more continuing applications.

### **I. Objection to the Specification**

Paragraph 3 of the Office Action dated August 9, 2007 (hereinafter, “the Office Action”) states that the Specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, citing “computer-readable storage media” and “computer-readable program code” from Claim 25.

Applicants have amended the paragraph on Page 21, lines 1 - 9 of their specification to

recite “computer-readable storage media” in the Amendments to the Specification section of their submission dated May 25, 2007. In the Amendments to the Specification provided herewith, this paragraph is further amended to recite “computer-readable program code” instead of “computer-usable program code”. Applicants respectfully submit that the terminology in Claim 25 is now aligned with the terminology in the Specification. (No new matter has been introduced with these amendments to the Specification. See MPEP §2163.06, first paragraph, stating “... information contained in any one of the specification, claims or drawings of the application may be added to any other part of the application without introducing new matter”.)

Accordingly, Applicants respectfully request that the Examiner withdraw this objection.

## II. Rejection under 35 U. S. C. §101

Paragraph 5 of the Office Action states that Claim 24 is rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In the interest of progressing rapidly to issuance, Claim 24 is amended herein, and the Examiner is respectfully requested to withdraw the §101 rejection.

## III. Rejection under 35 U. S. C. §102(e)

Paragraph 7 of the Office Action states that Claims 1, 4, 6, and 24 - 25 are rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent Publication 2005/0004911 A1 to

Goldberg et al. (hereinafter, “Goldberg”). This rejection is respectfully traversed with regard to the claims as currently presented.

As the Federal Circuit stated in *W.L. Gore & Associates v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984), “Anticipation requires the disclosure in a single prior art reference of *each element* of the claim under consideration.” (emphasis added). A finding of anticipation further requires that there must be no difference between the claimed invention and the disclosure of the cited reference as viewed by one of ordinary skill in the art. See *Scripps Clinic & Research Foundation v. Genentech Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). In particular, the Court of Appeals for the Federal Circuit held that a finding of anticipation requires absolute identity for each and every element set forth in the claimed invention. See *Trintec Indus. v. Top-U.S.A. Corp.*, 63 U.S.P.Q.2d 1597 (Fed. Cir. 2002).

Applicants respectfully submit that independent Claim 1 is not anticipated by Goldberg, as will now be demonstrated.

Applicants’ independent Claim 1, as currently presented, recites:

A computer-implemented method of programmatically building queries, comprising:  
programmatically building a query user interface to query a content source, wherein the query user interface comprises a plurality of query parameters, each query parameter comprising a unique query parameter name, a query qualifier, and a query parameter value, further comprising:

dynamically identifying the content source to be queried;  
 programmatically determining a plurality of content values  
 specified in the dynamically-identified content source;  
 programmatically determining, based on the specified content  
 values, a plurality of content types corresponding thereto;  
 using at least one of the programmatically-determined content  
 types to consult a lookup component to obtain at least two query parameter  
 names usable to query the content source;  
 programmatically identifying, for each of the obtained query  
 parameter names, at least one query qualifier corresponding thereto, each query  
 qualifier usable in determining a match when comparing selected ones of the  
 content values to that query parameter name;  
 programmatically identifying, for each of the obtained query  
 parameter names, at least one value usable therewith as a query parameter  
 value;  
 programmatically building the plurality of query parameters by  
 associating, with each of the obtained query parameter names, each of the at  
 least one programmatically-identified query qualifiers corresponding thereto and  
 each of the at least one programmatically-identified values usable therewith; and  
 displaying on the query user interface, for each of the  
 programmatically-built query parameters, the obtained query parameter name, a  
 first selector usable to select one of the at least one query qualifiers associated  
 therewith, and a second selector usable to select at least one of the at least one  
 values associated therewith; and  
 enabling a user to build a query command to query the content source  
 by using, for each of at least one of the displayed query parameter names, the  
 first selector to select one of the associated query qualifiers and using the  
 second selector to select at least one of the associated values. (emphasis added)

Applicants find no teaching in Goldberg of (at least) the above-underlined recitations of  
 Claim 1. Goldberg appears to disclose a user-controlled approach for building conditions,  
 whereby icons are placed on a palette (referred to in Goldberg as a “container”) and the user is  
 allowed to select any of those icons for building filters. See, for example,

- para. [0040], lines 1 - 4, discussing creating a filter icon by “... selecting a  
 source designator from item container **202** and dragging and dropping the icon

[from item container **202**] onto a desired position on the canvas”. Lines 6 - 9 then discuss “dragging the source designator **204f** for “Years” from container **202 ...**”. It is implicit that these selecting and dragging operators are performed by the user.

- para. [**0041**], lines 1 - 3, stating “... the position at which a filter is placed [by the user] determines how the corresponding condition is combined with the already-specified conditions of the query”.
- para. [**0045**], lines 1 - 3, discussing use of “logical operator buttons [which are obviously used by the user] **240** and **242**”, and lines 3 - 10, providing an example that comprises 3 “selecting” steps (and it is obvious that these selections are also made by the user).
- para. [**0063**], lines 4 - 6, stating “... group objects allow the user to organize the filter objects of a query in a manner according to the user’s desires ...”.
- para. [**0083**], lines 8 - 13, stating “In an embodiment, graphical condition builder **600** supports clicking on an icon associated with one of conditions **606-618**, and dragging and dropping the selected one of conditions **606-618** onto canvas **602** to construct a search query”.

By contrast, Applicants’ claimed invention specifies “programmatically determining, based on the specified content values, a plurality of content types corresponding thereto” on lines 10 - 11 of Claim 1 (emphasis added). Applicants find no teaching in Goldberg that “specified content values” are used in this manner to programmatically determine “a plurality

of content *types* corresponding thereto".

Applicants' Claim 1 further specifies, on lines 15 - 17, "programmatically identifying, for each of the obtained query parameter names, at least one query qualifier corresponding thereto, each query qualifier usable in determining a match when comparing selected ones of the content values to that query parameter name" (emphasis added). By contrast, Applicants find no teaching in Goldberg that query qualifiers are in any way restricted. With regard to the operator shown at **826** in **Fig. 8**, for example, Applicants find no discussion of "programmatically identifying" query qualifiers [or operators] that correspond to choices to be presented in item window **822** such that each of those query qualifiers is usable in determining a match for content values. Instead, an equally plausible interpretation of Goldberg is that all known comparison operators are presented in pull-down list **826**, including operators such as less than ("<") and greater than(">"). These two particular choices do not appear to make sense for use with the "Industry" choice shown at **822**. Accordingly, Goldberg has not taught the "corresponding thereto" limitation on line 16 of Applicants' Claim 1, or the "usable in determining a match" limitation on lines 16 - 17 of Applicants' Claim 1. Furthermore, Goldberg has not taught the "... for each of the ... query parameters, ... a first selector usable to select one of the ... query qualifiers associated therewith" limitation on lines 25 - 27 of Applicants' Claim 1 (emphasis added).

In contrast to Goldberg's apparently user-controlled approach of picking icons from palettes/containers and assembling them according to the user's desires, Applicants' Claim 1

ensures that the user constructs a valid query by displaying query qualifiers corresponding to, and associated with, each of the query parameter names (as indicated by the above-underlined recitations on lines 15 - 17 and 25 - 27 of Claim 1).

In view of the above, Applicants respectfully submit that Goldberg fails to disclose *each element* of the claim under consideration, and therefore Claim 1 is not anticipated according to the holding in *W.L. Gore & Associates*. Applicants also respectfully submit that there are differences between their claimed invention and the disclosure of Goldberg, as viewed by one of ordinary skill in the art, and therefore Claim 1 is not anticipated according to the holding in *Scripps Clinic & Research Foundation*. In addition, as Applicants have demonstrated with regard to the above-underlined recitations of Claim 1, Goldberg does not have teachings that are absolutely identical for each and every element set forth in the claimed invention, and therefore Claim 1 is not anticipated according to the holding in *Trintec Indus.*

Independent Claims 24 and 25 specify claim elements analogous to those of Claim 1, and Claims 24 and 25 are therefore not anticipated by Goldberg according to the same arguments presented above. Dependent Claims 4 and 6 are deemed patentable by virtue of (at least) the patentability of independent Claim 1, from which they depend. The Examiner is therefore respectfully requested to withdraw the §102 rejection of all claims as currently presented.

IV. Rejection under 35 U. S. C. §103(a)

Paragraph 9 of the Office Action states that Claims 3 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Goldberg in view of U. S. Patent 6,098,065 to Skillen et al. (hereinafter, “Skillen”). This rejection is respectfully traversed with regard to the claims as currently presented.

Applicants have demonstrated above that their independent Claim 1 is not anticipated by Goldberg, and respectfully submit that Skillen fails to provide the missing teachings discussed above. Accordingly, dependent Claims 3 and 7 are deemed patentable by virtue of (at least) the patentability of independent Claim 1 from which they depend.

V. Conclusion

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal of all presently outstanding objections and rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,

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